

# BARNES & THORNBURG

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group: Unknown

Confirmation No.: 4183

Application No.: 09/913,578

Invention: Flexible and Scalable Architecture  
for DWDM Networks in Fiber  
Rings

Applicant: Oren, et al.

Filed: August 15, 2001

Attorney

Docket: 20568-68741

Examiner: Unknown

### Certificate Under 37 CFR 1.10

Express Mail Label No.: EL 894 013 532 US

Date of Deposit: 06 November 2001

I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, Box PCT, Attn: DO/EO/US

Heather L. Behlmer

Typed of Printed Name of Person Mailing Paper or Fee

Heather L. Behlmer  
Signature of Person Mailing Paper or Fee

### RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.371

Assistant Commissioner  
for Patents  
Box PCT  
Washington, D.C. 20231

Attn: DO/EO/US

Sir:

In response to the October 23, 2001 NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U. S. C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US), a copy of which is enclosed herewith, Applicants enclose an executed declaration and power of attorney. The Office further required an additional fee of \$630.00 for 20 excess claims and a multiple dependent claim fee.

With the preliminary amendment filed with the application, Applicants sought to delete multiple dependencies. However, Applicants neglected to delete the multiple dependency of claim 6. This was pointed out to Applicants in the NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U. S. C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US), a copy of which is submitted herewith with the RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U. S. C. 371. This second preliminary amendment is submitted to correct that oversight. This second preliminary amendment deletes the multiple dependency of claim 6, and cancels and adds singly dependent claims for a total of only twenty claims. Applicants thus request that the requirement for additional fees for claims in excess of twenty and multiple dependent claims be withdrawn.

A check for the \$130.00 fee for the late filing of the declaration is submitted herewith. Please charge any additional fees that might be due in connection with this RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U. S. C. 371 to our undersigned counsel's deposit account 10-0435 with reference to file 20568-68741. An extra copy of this authorization is enclosed for that purpose.

Respectfully submitted,



Richard D. Conard  
Attorney Reg. No. 27321  
Attorney for Applicants

Indianapolis, Indiana  
317-231-7285  
INDS02 RDC 411246

FORM PTO-1390 (Modified)  
(REV 11-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

20568-68741

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR  
09/913,578

INTERNATIONAL APPLICATION NO.  
PCT/US00/02470

INTERNATIONAL FILING DATE  
31 January 2000 (31.01.00)

PRIORITY DATE CLAIMED  
15 February 1999 (15.02.99)

## TITLE OF INVENTION

**FLEXIBLE AND SCALABLE ARCHITECTURE FOR DWDM NETWORKS IN FIBER RINGS**

#4

## APPLICANT(S) FOR DO/EO/US

OREN, Yair, et al

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

**Items 13 to 20 below concern document(s) or information included:**

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
20. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22. ☒ Certificate of Mailing by Express Mail
23. ☐ Other items or information:

11/27/2001 UEDWIJE 00000051 09913578

01 FD-154

130.00 OP

U.S. APPLICATION NO. (IF KNOWN, 37 CFR 1.53) <b>09/913,578</b>	INTERNATIONAL APPLICATION NO. <b>PCT/US00/02470</b>	ATTORNEY'S DOCKET NUMBER <b>20568-68741</b>
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24. The following fees are submitted: <b>BASIC NATIONAL FEE ( 37 CFR 1.492 (a) (1) - (5)) :</b>				<b>CALCULATIONS PTO USE ONLY</b>	
<input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... <b>\$1040.00</b>					
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... <b>\$890.00</b>					
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... <b>\$740.00</b>					
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... <b>\$710.00</b>					
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... <b>\$100.00</b>					
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				<b>\$0.00</b>	
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (e)). <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30				<b>\$130.00</b>	
<b>CLAIMS</b>	<b>NUMBER FILED</b>	<b>NUMBER EXTRA</b>	<b>RATE</b>		
Total claims	- 20 =	0	x \$18.00	<b>\$0.00</b>	
Independent claims	- 3 =	0	x \$84.00	<b>\$0.00</b>	
Multiple Dependent Claims (check if applicable). <input type="checkbox"/>				<b>\$0.00</b>	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$130.00</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27). The fees indicated above are reduced by 1/2.				<b>\$0.00</b>	
<b>SUBTOTAL =</b>				<b>\$130.00</b>	
Processing fee of <b>\$130.00</b> for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492 (f)). <input type="checkbox"/> 20 <input type="checkbox"/> 30 +				<b>\$0.00</b>	
<b>TOTAL NATIONAL FEE =</b>				<b>\$130.00</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <input checked="" type="checkbox"/>				<b>\$40.00</b>	
<b>TOTAL FEES ENCLOSED =</b>				<b>\$170.00</b>	
				<b>Amount to be: refunded</b>	\$
				<b>charged</b>	\$

- a. ☒ A check in the amount of **\$170.00** to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. **10-0435** A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

**RICHARD D. CONARD, ESQ.**  
**BARNES & THORNBURG**  
 11 South Meridian Street  
 Indianapolis, IN 46204

*Richard D. Conard*  
 SIGNATURE

**Richard D. Conard**  
 NAME

**27,321**  
 REGISTRATION NUMBER

**06 November 2001 (05.11.01)**  
 DATE